

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KEITH RUSSELL JUDD,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

NO. CV-10-60-JPH

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND TRANSFERRING
CASE TO WESTERN DISTRICT OF TEXAS**

BEFORE THE COURT is Petitioner's "Objections" (Ct. Rec. 3) to the Report and Recommendation, recommending that this action be transferred to the Western District of Texas (Ct. Rec. 2). Petitioner bases his objection on 18 U.S.C. § 3231 and Federal Rule of Criminal Procedure 36, claiming district courts of the United States have original jurisdiction of all offenses against the laws of the United States. Mr. Judd, a federal prisoner at the Federal Correctional Institute in Texarkana, Texas, is proceeding *pro se* and has not sought leave to proceed *in forma pauperis*. Respondent has not been served.

Mr. Judd challenges a judgment issued in *United States v. Judd*, MO-98-CR-093 out of the Western District of Texas. Contrary to his assertions, the Federal District Court of the Eastern District of

1 Washington has no authority to void a judgment issued by the Federal
2 District Court of the Western District of Texas. Neither Plaintiff nor
3 his present custodian is located in this judicial district and the
4 actions he challenges did not take place here. For the reasons set
5 forth by the Magistrate Judge, **IT IS ORDERED** the Report and
6 Recommendation is **ADOPTED, but modified to correct** the recommendation
7 that the case be transferred to the Western District of Washington. **IT**
8 **IS ORDERED** this action is transferred to the Western District of Texas
9 pursuant to 28 U.S.C. § 1631.

10 **IT IS SO ORDERED.** The District Court Executive is directed to
11 enter this Order, enter judgment, forward copies to Petitioner, and
12 close this file. The Court further certifies that pursuant to 28 U.S.C.
13 § 1915(a)(3), an appeal from this decision could not be taken in good
14 faith, and there is no basis upon which to issue a certificate of
15 appealability. 28 U.S.C. § 2253(c); Fed. R.App. P. 22(b).

16 **DATED** this 29th day of March 2010.

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18 S/ Edward F. Shea
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EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE

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